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Consultants, Inc.*

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ANDREW PERRONG, individually and on  
behalf of all others similarly situated,

Plaintiff,

vs.

SPERIAN ENERGY CORP, a Nevada  
corporation, and ENERGY GROUP  
CONSULTANTS, INC., a Kansas  
corporation,

Defendants.

Case No.: 2:19-cv-00115-RFB-GWF

**STIPULATION AND ORDER TO  
WITHDRAW DEFENDANT ENERGY  
GROUP CONSULTANTS, INC.'S  
MOTION TO DISMISS [ECF. NO. 16]  
WITH PREJUDICE**

Defendant Energy Group Consultants, Inc. ("Defendant") and Plaintiff Andrew Perrong ("Plaintiff" and together with Plaintiff, the "Parties"), by and through their respective counsel, enter this Stipulation based on the following:

1. On April 10, 2019, Defendant filed its Motion to Dismiss (ECF No. 16) ("Motion").
2. On April 30, 2019, Plaintiff filed its Response to the Motion to Dismiss (ECF No. 32).

NOW, THEREFORE, the Parties agree that:

- A. The Defendant's Motion to Dismiss shall be withdrawn with prejudice;
- B. The Parties waive any right to seek attorneys' fees and costs related to the Motion or responding to the Motion; and

C. Defendant shall have until May 28, 2019 to file its responsive pleading to the Amended Complaint.

Dated: May 7, 2019

SNELL & WILMER L.L.P.

By: /s/ Blakeley E. Griffith  
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Dated: May 7, 2019

By: /s/Anthony I. Paronich  
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*Attorneys for Plaintiff*

### ORDER

IT IS HEREBY ORDERED that Defendant Energy Group Consultants Inc. Motion to Dismiss shall be withdrawn with prejudice, and the Parties waive any right to see attorneys' fees and costs related to the Motion or responding to the Motion.

IT IS FURTHER ORDERED that Defendant shall have until May 28, 2019 to file its responsive pleading to the Amended Complaint.

DATED this 13th day of May 2019.



RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **STIPULATION AND ORDER TO WITHDRAW DEFENDANT ENERGY GROUP CONSULTANTS, INC.'S MOTION TO DISMISS [ECF NO. 16]** by method indicated below:

- ☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document(s).
- ☐ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.
- ☐ **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
- ☐ **BY PERSONAL DELIVERY:** by causing personal delivery by \_\_\_\_\_, a messenger service with which this firm maintains an account, of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☒ **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.
- ☐ **BY EMAIL:** by emailing a PDF of the document listed above to the email addresses of the individual(s) listed below:

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*Attorneys for Plaintiff*

DATED this 8th day of May 2019.

/s/ Gaylene Kim  
An employee of SNELL & WILMER L.L.P.